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6 **UNITED STATES DISTRICT COURT**
7 **SOUTHERN DISTRICT OF CALIFORNIA**
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9 GREGORY LYNN CAIN,

10 Plaintiff,

11 vs.

12 BILL KOLENDER, BUFFORD SUNICO,
13 DOES 1-6,

14 Defendants.

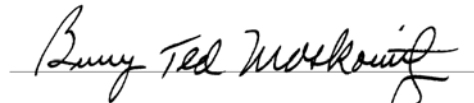
CASE NO. 07cv331 BTM(WMc)

**ORDER ADOPTING REPORT &
RECOMMENDATION AND
DENYING PLAINTIFF'S MOTION
FOR LEAVE TO FILE FIRST
AMENDED COMPLAINT**

15 In a Report and Recommendation ("R&R") filed on April 8, 2008, Magistrate Judge
16 McCurine recommended that Plaintiff's Motion for Leave to File a First Amended Complaint
17 be denied. Plaintiff filed objections to the R&R.

18 Having reviewed the record and having conducted a de novo review, the Court
19 **ADOPTS** the Report and Recommendation. For the reasons set forth in the R&R, Plaintiff
20 cannot state a § 1983 claim against the members of the Board of Supervisors of San Diego
21 County. Therefore, Plaintiff's Motion for Leave to File First Amended Complaint is **DENIED**.
22 **IT IS SO ORDERED.**

23
24 DATED: June 20, 2008

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26 Honorable Barry Ted Moskowitz
27 United States District Judge
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